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September 4, 2024

Via ECF

MEMO ENDORSED

The Honorable Sarah L. Cave
United States District Court for the
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Elisa W., et al. v. City of New York, et al., No. 15 CV 5273 (KMW)(SLC)

Dear Magistrate Judge Cave:

I am an Assistant Corporation Counsel in the office of the Acting Corporation Counsel of the City of New York, Muriel Goode-Trufant, attorney for Defendant City of New York in the above-referenced action. I write to respectfully request a 31-day extension of the City's time to move for reconsideration of the Court's August 23, 2024 Opinion & Order, (ECF No. 577).

As the Court is aware, this Opinion & Order granted in part and denied in part Plaintiff's motion for class certification. This Opinion was issued while I was out of the office on vacation, and I did not have an opportunity to meaningfully review it until my return to the office yesterday. Nevertheless, with the benefit of initial discussions between myself and colleagues at the New York City Law Department and at the New York City Administration for Children's Services ("ACS"), I anticipate that the City will move for reconsideration of the August 23, 2024 Opinion & Order. However, additional time is needed to discuss the City's anticipated motion with my colleagues and client and to draft the motion, and because of my relatively recent appearance in this yearslong case, I must also further familiarize myself with the history, filings, and decisions that relate to the Court's Opinion and Order. In light of this, I respectfully request that the deadline for the City's motion for reconsideration be extended by thirty-one days to October 7, 2024.

Pursuant to Local Civil Rule 6.3, the City's current deadline to move for reconsideration is September 6, 2024. The proposed extension would, as noted, move this deadline to October 7, 2024. This is the City's first request for an extension of this deadline.

The State Defendant has graciously consented to this application. Although I sought Plaintiffs' consent to this application by email this afternoon at around 1pm and followed up around 4:45pm, I have not yet received a response as to whether Plaintiffs consent. However, given the quickly approaching current deadline, I am filing this application without the benefit of Plaintiffs' response.

Lastly, I address this application to Your Honor in light of the October 2, 2019 entry that indicates that this matter is referred to Your Honor for general pretrial matters. Should this application be more appropriately addressed to Judge Wood, I am happy to refile it at the Court's direction. Alternatively, I would respectfully request that the Court forward this application to Judge Wood's Chambers.

I thank the Court for its consideration of this matter

Respectfully yours,

/s/ David S. Thayer

David S. Thayer

cc: ***Via ECF***
All counsel of record

The City of New York's request for a 31-day extension of the City's time to move for reconsideration of the Court's August 23, 2024 Opinion & Order is GRANTED. The City's deadline to file is now October 7, 2024.

The brief in support of the motion for reconsideration shall be no longer than 10 pages. Any response shall be filed by October 15, and shall be no longer than 10 pages. Given the extensive briefing to date in this case, the Court will not permit any further briefing.

**DATED: New York, New York
September 05, 2024**

/s/ Kimba M. Wood
KIMBA M. WOOD
UNITED STATES DISTRICT JUDGE